IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the 24th day of November 2003
Criiminal Misc. Bail Application No. 981/2003
Order on the bail application of accused.

CRIMINAL SIDE

Nadeem S/o Naseem Ahmad
R/o Mehuwala Mafi P.S. Kotwali Dehradun
District Dehradun. ……Applicant.

Versus

State of Uttaranchal ….Opposite party.

Arising out of case crime No. 93/2003
U/Ss 379/411 I.P.C.
P.S. Kotwali Dehradun.
District Dehradun.

AND

Criiminal Misc. Bail Application No. 982/2003
Order on the bail application of accused.

Nadeem S/o Naseem Ahmad
R/o Mehuwala Mafi P.S. Kotwali Dehradun
District Dehradun. ……Applicant.

Versus

State of Uttaranchal ….Opposite party.

Arising out of case crime No. 29/2003
U/Ss 379/411 I.P.C.
P.S. Dalanwala Dehradun.
District Dehradun.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri K.S. Verma, learned counsel for the applicant and learned A.G.A. for the State.

The applicant-accused is involved in the case of recovery of stolen vehicles. It is not denied that co-accused Amandeep Verma and Aman Rana have been released on bail by the Sessions Judge, Dehradun and from their possession also vehicles were recovered at the very same time. Perusal of the copy of the statement of S.I. Ajay Pal Gautam indicate that a white Maruti car was recovered from the joint

possession of the four culprits including the applicant-accused. Learned counsel submitted that it was a joint recovery and, therefore, the applicant-accused can not alone be attributed possession of the vehicle. Perusal of the statement further reveal that recovery of other vehicles was made at the pointing of other culprits because the applicant-accused and one Amzad were allegedly left behind with the recovered Maruti car in the supervision of constables Subhash Chand Rathore, Yashpal and Munendra Singh. In view of the statement learned counsel submitted that it is incorrect to attach other recoveries with the applicant-accused. considering these aspects and the fact that the cases are triable by the Magistrate, the applicant-accused is admitted to bail.

Both these bail applications are allowed. The applicant shall be released in crime No. 93/2003 under sections 379/411 I.P.C. and crime No.29/2003 under sections 379/411 I.P.C. P.S. Kotwali Dehradun and P.S. Dalanwala Dehradun on his executing bail bonds and two sureties in both the case crimes each in the like amount to the satisfaction of C.J.M. Dehradun.

(Irshad Hussain, J.)

Dated: 24.11.2003

ISB

Correction made vide Court order dated 02.12.2003.

(Irshad Hussain, J.)

02.12.2003